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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,034	04/13/2001	Ronald D. Olsen	11983.0075	5118
8791	7590	08/31/2006	EXAMINER	
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				ART UNIT
				PAPER NUMBER
				2116

DATE MAILED: 08/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/835,034	OLSEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tse Chen	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 July 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 35-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 35-50 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 April 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 31, 2006 has been entered.

2. Claims 35-50 are presented for examination.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "receiving an additional event having an additional expiration time while said timer is timing said time period"; "determining if said additional expiration time will occur sooner than said first to occur expiration time"; "establishing a new start time based on a current time when said additional expiration time is determined to occur sooner than said first to occur expiration time"; "stopping timing of said time period" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure

must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

4. Claims 39, 44, 49 are objected to because of the following informalities: "said indicator" should be "said first indicator"; "an expiation" should be "a second expiration". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 35-37, 40-42, 45-47 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant did not disclose the subject matter of "receiving a plurality of events each having a respective event duration"; "receiving an additional event having an

additional expiration time"; and "stopping timing of said time period" in the original disclosure.

Prior art is still applied.

7. Claims 35-50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant did not disclose the subject matter involving timing the time period based on a difference between the start time and the first to occur expiration time with a timer when the expiration time has passed the start time [e.g., receive durations at time 0; first to occur expiration time determined to be time 1; finish sorting through expiration times at time 2 which would be earliest possible start time; time period would be time -1 since expiration time has passed]. It is not clear how the claimed timing of multiple events can be enabled in the above instance. Examiner submits that it would require undue experimentation for one with ordinary skill in the art to resolve this issue.

#### *Claim Rejections - 35 USC § 102*

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 35, 38, 40, 43, 45, 48, 50 are rejected under 35 U.S.C. 102(b) as being anticipated by Kinkade, US Patent 6360329.

10. In re claim 35, Kinkade discloses a method for timing multiple events [col. 1, ll. 15-18] comprising:

- Providing a clock [hardware clock] capable of indicating a current time [col.5, ll.14-18].
- Receiving a plurality of events each having a respective event duration [timeout value tov] [col.2, ll.1-2; col.3, ll.21-28].
- Determining an expiration time [exptime] of each event based on a respective event received time [curtime] and said respective event duration [col.14, ll.43-44].
- Determining which expiration time of said events is first to occur relative to said current time [col.3, ll.31-35].
- Establishing a start time [curtime] based on the current time when said first to occur expiration time is determined [col.16, l.66 – col.17, l.2].
- Determining a time period [remtime] based on a difference between said start time and said first to occur expiration time [col.16, l.66 – col.17, l.2].
- Providing a timer [timing service] [col.5, ll.14-18].
- Timing said timer period with said timer [col.17, ll.24-26].
- Transmitting an action signal [e.g., processes and expirations of timers involve signals] corresponding to said event having said first to occur expiration time when said time period has expired [col.3, ll.21-35; col.17, ll.9-14].

11. As to claims 38, 43, 48, Kinkade discloses, comprising after transmitting said action signal, determining an expiration time that is next to occur relative to said current time; establishing a second start time based on a current time when said next to occur expiration time is determined; determining a second time period equal to the time difference between said second start time and said next to occur expiration time; providing a timer; timing said second time period; and transmitting a second action signal corresponding to said event having said next

to occur expiration time [col.14, ll.55-56; col.16, ll.55-57; col.17, ll.26-27; continues processing of rest of ordered event list].

12. In re claim 40, Kinkade discloses each and every limitation as discussed above in reference to claim 35. Kinkade discloses a set of instructions [computer program] residing in a storage medium [inherently, some storage medium is required to store a computer program] [col.17, ll.57-60].

13. In re claim 45, Kinkade discloses each and every limitation as discussed above in reference to claim 40. Kinkade discloses a system comprising a processor, a memory, [inherently, some memory and processor are required to run a computer program] [col.17, ll.57-60], a clock capable of indicating a current time [hardware clock], and a timer [timing service].

14. As to claim 50, Kinkade discloses, wherein said timer comprises a software module [col.5, ll.23-37].

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 36-37, 41-42, 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinkade, as applied to claim 35 above, and further in view of Cave, US Patent 6232808.

17. Kinkade discloses each and every limitation as discussed above. Kinkade did not disclose explicitly the details involving additional events.

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18. In re claims 36, 41, 46, Cave discloses a method comprising receiving an additional event having an additional expiration time while said timer is timing said time period [col.7, ll.49-56] and determining if said additional expiration time will occur sooner than said first to occur expiration time [col.9, ll.7-17].

19. It would have been obvious to one of ordinary skill in the art, having the teachings of Kinkade and Cave before him at the time the invention was made, to modify the system taught by Kinkade to include the well known teaching of Cave, as the inclusion of additional events is well known in the art and suitable for use in the system of Kinkade. One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to incorporate additional events and obtain high degree of chronometric accuracy over prolonged periods [Cave: col.1, ll.12-16].

20. As to claims 37, 42, 47, Cave discloses, wherein if said additional expiration time will occur sooner than said first to occur expiration time [col.7, ll.57-67; i.e., condition associated with a new and sooner expiration time]. Kinkade discloses [steps discussed above in claim 35 applies equally well with an additional event as linked lists are developed for ease of ordered new insertion], comprises establishing a new start time based on a current time when said additional expiration time is determined to occur sooner than said first to occur expiration time [col.16, l.66 – col.17, l.2]; determining a new time period based on a time difference between said new start time and said additional expiration time [col.16, l.66 – col.17, l.2]; stopping timing of said time period [col.17, ll.24-26; timer effectively stopped and reset with new period]; timing said new time period with said timer [col.17, ll.24-26]; and transmitting an action signal corresponding to said additional event [col.3, ll.21-35; col.17, ll.9-14].

21. Claims 39, 44, 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinkade as applied to claim 35 above, and further in view of Cave, U.S. Patent 6314524, hereinafter referred to as ReCave.
22. Kinkade discloses each and every limitation as discussed above. Kinkade did not disclose explicitly a way to handle repetitive events.
23. ReCave taught an invention to time multiple events, the invention comprising of:
  - Checking a first indicator upon transmitting said first action signal, said first indicator corresponding to whether said action signal should be sent again [fig.3; 301].
  - Determining a second expiration time for resending said action signal if said first indicator indicates that said action signal should be sent again [fig.3; 305].
24. It would have been obvious to one of ordinary skill in the art, having the teachings of Kinkade and ReCave before him at the time the invention was made, to modify the system taught by Kinkade to include the well known teaching of ReCave, as the handling of repetitive events is well known in the art and suitable for use in the system of Kinkade. One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to handle repetitive events needed in applications such as computer screen updates [ReCave: col.2, ll.40-67].

*Response to Arguments*

25. Applicant's arguments dated July 31, 2006 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tse Chen whose telephone number is (571) 272-3672. The examiner can normally be reached on Monday - Friday 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tse Chen  
August 12, 2006

  
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